## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )					
Plaintiff,		)	8:11MJ18		
vs.			DETENTION ORDER		
ERIK LOPEZ-ACEVES,					
	Defendant.	)			
A. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on February 11, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).					
B. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds:  X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.					
contair	Durt's findings are based on the died in the Pretrial Services Report (1) Nature and circumstances (2) The crime: a considerable (2) Albert (3) Albert (2) Albert (3)	port, and in soft the off spiracy to other the second with the of the second with the of the second will be a narco	fense charged: distribute and possess with intent to the (Count I) in violation of 21 U.S.C. in intent to distribute methamphetaming U.S.C. § 841(a)(1), both carry ears imprisonment and a maximum of the country of the country is serious intention.	o § e a of	
X	may affect The defend X The defend X The defend The defend The defend ties. Past condu The defend The defend The defend The defend The defend	istics of the dant appe whether to dant has redant has redant does uct of the dant has a		ity. ty	

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	of the current arrest, the defendant was on:
Paro	
	ease pending trial, sentence, appeal or completion of
	tence.
(c) Other Factor	
	e defendant is an illegal alien and is subject to
	ortation.
	defendant is a legal alien and will be subject to ortation if convicted.
	Bureau of Immigration and Custom Enforcement
	CE) has placed a detainer with the U.S. Marshal.
Oth	
<del></del>	
	eriousness of the danger posed by the defendant's
release are as follo	ws: The nature of the charges in the Indictment.
V (5) Behuttehle Breeu	mntions
X (5) Rebuttable Presur	the defendant should be detained, the Court also relied
	ebuttable presumption(s) contained in 18 U.S.C. §
	Court finds the defendant has not rebutted:
	ndition or combination of conditions will reasonably
	ppearance of the defendant as required and the safety
	person and the community because the Court finds that
the crime in	
(1)	A crime of violence; or
	An offense for which the maximum penalty is life
	imprisonment or death; or
<u>X</u> (3)	A controlled substance violation which has a maximum
(4)	penalty of 10 years or more; or
(4)	A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for
	one of the crimes mentioned in (1) through (3) above
	which is less than five years old and which was
	committed while the defendant was on pretrial release.
X (b) That no co	ndition or combination of conditions will reasonably
	ppearance of the defendant as required and the safety
	nunity because the Court finds that there is probable
cause to bel	
<u>X</u> (1)	That the defendant has committed a controlled
	substance violation which has a maximum penalty of
(0)	10 years or more.
	That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and
	in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).
	weapon or device.

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable,

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from persons awaiting or serving sentences or being held in custody pending appeal;

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: February 11, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge